

Notice of Allowability

Application No.

10/789,008

Applicant(s)

CASTRO PINEIRO, JOSE LUIS

Examiner

Janet L. Coppins

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Amendment of June 25, 2007.
2. ☒ The allowed claim(s) is/are 5-12, renumbered as claims 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Claims 5-12 are pending in the instant application.

Response to Amendment

2. Applicants' Amendment and Response of June 25, 2007, has been reviewed by the Examiner. Accordingly, claims 1-4, 13 and 14 have been cancelled, and claim 5 has been amended.

Claim Rejections - 35 USC § 112

3. Claim 13 previously rejected as not being enabled. Applicants have cancelled the claim, rendering the enablement rejection moot, therefore the rejection is withdrawn.

Allowable Subject Matter

4. The Examiner had indicated in the previous Office Action that claims 5-12 appeared allowable over the prior art. In view of the cancellation of the rejected and withdrawn claims, the Application is now in condition for allowance.

REASONS FOR ALLOWANCE

5. In view of Applicant's amendatory changes and cancellations, claims 5-12 are allowable over the prior art, as newly renumbered claims 1-8. The following is an examiner's statement of reasons for allowance:

This invention relates to novel cyclohexyl-sulfone derivatives and their pharmaceutical compositions. The allowable compounds are limited to compounds according to formula II of renumbered claim 1. Certain sulfone compounds are known in the art as having the ability to inhibit the formation or release of A β (useful for treating diseases such as AD), however the aspect of preparing the instant claimed cyclohexyl-sulfone compounds, which are able to release

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NO as well as inhibit γ -secretase, is novel and unobvious. After a thorough search, the closest of prior art, U.S. Pub. No. 2003/0114496, was found to teach similar cyclohexyl sulfone derivatives as γ -secretase inhibitors. However the U.S. publication fails to teach or render obvious the instant claimed compounds according to formula (II), and does not fairly suggest the same methods of using the instant claimed compounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L. Coppins whose telephone number is 571.272.0680. The examiner can normally be reached on M-F 8:30-5:00.

Telephone Inquiry

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571.272.0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Janet L. Coppins
September 3, 2007

KAMAL A. SAEED, PH.D.
PRIMARY EXAMINER



Joseph K. McKane
SPE, Art Unit 1626